

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

APRIL DENISE DAWSON,

Petitioner,

v.

Civil Action No. 2:20-cv-00728

WARDEN SOUTHWESTERN REGIONAL JAIL,

Respondent.

ORDER

Pending before the court is the proposed findings and recommendation ("PF&R") of the United States Magistrate Judge Omar J. Aboulhosn, entered August 25, 2023. ECF 8.

The Magistrate Judge recommended that petitioner's pro se letter form petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 be denied inasmuch as petitioner has been released from custody, and respondent can no longer provide the relief requested.¹ ECF 8 at 2.

In reviewing the PF&R, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Upon the

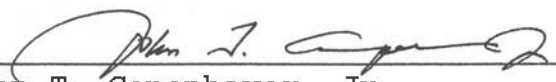
¹ The court notes that the docket indicates that respondent has not made an appearance and it appears was never served with service of process.

filing of an objection to a PF&R, the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. Failure to object to a PF&R constitutes waiver of de novo review, in which case the court reviews the PF&R for clear error. See Fed. R. Civ. P. 73 Advisory Committee notes.

No objections having been filed to the PF&R,² it is, accordingly, ORDERED that the PF&R of the Magistrate Judge be, and it hereby is, adopted by the court and incorporated herein, and this case is ORDERED dismissed without prejudice.

The Clerk is directed to strike this case from the docket and transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 15, 2023



John T. Copenhaver, Jr.
Senior United States District Judge

² On August 25, 2023, the Clerk of Court mailed the Magistrate Judge's PF&R to petitioner at 1300 Gaston Caperton Drive, Holden WV 25625. This is the address for the Southwestern Regional Jail and is the only address petitioner has provided to the court. On September 1, 2023, the Clerk of Court's letter was returned to the court as "Not Deliverable" and noted that "Inmate Is No Longer In This Facility." ECF 9.